

AFFIDAVIT IN SUPPORT OF SEARCH WARRANT

Your Affiant, John B. Butterworth, Task Force Officer (TFO) with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), being duly sworn, depose and state the following:

INTRODUCTION

1. Your Affiant is a Task Force Officer with the Bureau of Alcohol, Tobacco, Firearms and Explosives, and have been so since August 2022. Your Affiant is presently assigned as a Task Force Officer for the ATF Columbus Field Division, Columbus Group I Field Office. As a Task Force Officer, Your Affiant is also authorized to carry firearms, execute warrants, make arrests for offenses against the United States, and perform other such duties as authorized by law.
2. Prior to becoming a Task Force Officer with ATF, Your Affiant has been employed as a Special Agent (SA) with the Ohio Bureau of Criminal Investigation (BCI) since March of 2012. Previous law enforcement experience before employment as a BCI SA includes being employed as a Deputy Sheriff for the Marion County Sheriff's Office (OH) and Crawford County Sheriff's Office (OH). I am a certificated Peace Officer in the State of Ohio through the Ohio Peace Officer Training Counsel.
3. As an ATF TFO and BCI Special Agent, Your Affiant has participated in federal and state investigations involving the sale, possession, and trafficking of firearms and controlled substances. Through participation in these investigations, Your Affiant has debriefed defendants and witnesses with personal knowledge regarding firearms or narcotics trafficking. Your Affiant has also conducted physical and electronic surveillance, seized evidence and contraband, executed search warrants, and arrested defendants.
4. Your Affiant makes this affidavit in support of an application for a warrant to search and obtain a Deoxyribonucleic Acid (DNA) sample from the person of Jonathan Lamont GUNTER (DOB:

06/30/1980 and SSN # XXX-XX-4439), hereinafter referred to as GUNTER. As set forth in this affidavit, this DNA sample may constitute evidence of violations of 18 U.S.C. §§ 922(g)(1) (felon in possession of a firearm).

5. This affidavit is intended to show that there is sufficient probable cause for the above-described search warrant and does not purport to set forth all my knowledge of, or investigation into, this matter. The facts and information contained in this affidavit are based on Your Affiant's personal knowledge, training and experience, interviews of various witnesses, including law enforcement personnel who participated in the investigation, and review of certain records and documents.

6. Based on Your Affiant's education, training, and experience, Your Affiant knows that skin, saliva, blood, and/or hair evidence left behind at a crime scene may contain a unique DNA profile that can sometimes be identified by forensic scientists when those scientists compare the evidence to a known standard. Your Affiant knows that when individuals wear clothing or handle an item such as a firearm, they may leave behind secretions and/or skin cells that contain their unique DNA profile. Your Affiant also knows from education, training, and experience that oral swabs taken from an individual (buccal swab) will contain a known standard of that person's DNA profile. This standard can then be compared to an unknown standard by a forensic scientist in an effort to identify the unknown DNA sample.

7. Deoxyribonucleic acid (DNA) is genetic coding material which is unique to each individual. Laboratory analysis of DNA material can establish whether material, such as saliva, skin, hair, or blood came from a particular individual. Because DNA is sometimes left behind on physical items previously touched by a particular individual, DNA evidence can be useful, admissible evidence in demonstrating that a particular person was at one time in possession of a piece of evidence, present at a given location, or inside a particular vehicle.

8. The items to be seized are swabs (commonly referred to as buccal swabs) of DNA material

of GUNTER from the inside of the mouth and cheek. The evidence to be seized is on the person of GUNTER.

PROBABLE CAUSE

9. On January 20, 2023, the United States Marshals Service (USMS) Southern Ohio Fugitive Apprehension Strike Team (SOFAST) were conducting arrest warrant executions in the Franklin County, Ohio area. SOFAST members, including Your Affiant, arrived at the address of 727 S. Warren Ave., Columbus, OH, 43204 in an attempt to locate a subject wanted for a parole violation. A warrant was previously issued for the arrest of Mark Miller, at the above listed address, by the State of Ohio Adult Parole Authority (APA).

10. Upon execution of the arrest warrant for Miller, SOFAST members also located GUNTER and a female (CW) inside the residence. Upon identification and warrant checks for GUNTER, it was learned that GUNTER had an active federal arrest warrant for escape. GUNTER was placed under arrest by SOFAST members for the arrest warrant and secured in a transport vehicle.

11. While conducting a protective sweep of the residence, a Windham Weaponry model WW-15 rifle, serial number WW191203 was observed in plain view, sitting on a bar in the basement of the residence.

12. At the conclusion of a protective sweep of the residence, CW, who had been waiting outside the home, was escorted to the kitchen by APA Officer Joe Johnson to retrieve Miller's medications. According to CW, the medications were in the kitchen cabinet of the residence. Upon retrieving the medication(s), APA Officer Johnson located two handguns in the cabinet next to the medication and rendered them safe. These two handguns were later determined to be a Smith & Wesson, model SD40, semi-automatic handgun bearing serial number HFD5301; and a Taurus, model 856, revolver bearing serial number ABH850714. Based upon observing these two additional firearms, all law

enforcement within the residence exited prior to securing the residence until a search warrant was obtained.

13. While awaiting for the search warrant to be obtained interviews with Mark Miller and GUNTER were conducted by ATF Special Agent (S/A) Cole Benner and Your Affiant. Mark Miller was read his Miranda Rights, indicated he understood those rights, and wished to speak with S/A Benner. During this interview, Miller claimed ownership of the three firearms (two handguns and rifle) located throughout the residence¹.

14. Following the interview with Miller, ATF S/A Benner and Your Affiant conducted a post Miranda interview with GUNTER regarding his knowledge of any firearms and/or narcotics in the home. GUNTER denied any knowledge or ownership of firearms and/or narcotics in the house.

15. ATF TFO Joshua Wright obtained a search warrant through the Franklin County Municipal Court, signed by the Honorable Mary Kay Fenlon, for the residence of 727 S. Warren Ave., Columbus, Ohio. Upon execution of the search warrant, in addition to the three previously referenced firearms, ATF Agents and TFO's seized the following: a Ruger, model SR9C, handgun bearing serial number 332-00140, two cellular telephones, ammunition, and suspected narcotics. The Ruger handgun was located in a safe, located in a first-floor bedroom at the residence. This safe also contained medication bottles which the label contained the name John GUNTER.

16. All confiscated items were transported to the ATF Columbus Group I Field Office and entered into the ATF Columbus I evidence vault for safekeeping.

17. A subsequent follow up interview conducted by ATF SA Benner and TFO Woods with GUNTER at the Franklin County Jail, yielded the same result as the on-scene interview. GUNTER

¹ MILLER has prior convictions for Kidnapping (F1) and Aggravated Robbery (F1); therefore, MILLER is Federally prohibited from possessing firearms and/or ammunition.

stated he did not want to speak about the incident without his attorney and denied consent to a DNA buccal swab.

18. GUNTER has a prior conviction in Franklin County Court of Common Pleas on January 30, 2018, for Felonious Assault (F4) and Weapons Under Disability (F3), Case Number 12CR003127. Additionally, GUNTER has a conviction in the United States District Court for the Southern District of Ohio on August 27, 2010, for a violation of Title 21 United States Code Section 841, Distribution of more than 5 grams of crack, Case Number 2:09-CR-90.

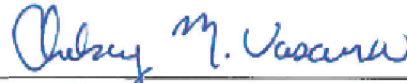
CONCLUSION

19. Based on the foregoing, I believe that there is probable cause to issue a search warrant for a Deoxyribonucleic Acid (DNA) sample from the person of GUNTER, more particularly described in Attachments A and B, as this DNA sample may constitute evidence of violations of 18 U.S.C. § 922(g)(1) (felon in possession of a firearm). Therefore, I request that the Court allow me and/or other authorized law enforcement officers to take a cotton swab and place it inside the mouth of GUNTER, rubbing the inside of his cheek to obtain cellular material. This method allows officers to obtain saliva, and or topical or oral skin cells, by means of an oral swab. Based on my training and experience, I know that this procedure is quick, painless, and involves minimal intrusion into the body. This warrant also permits authority to execute the search warrant with force if necessary.

A handwritten signature in blue ink, appearing to read "John B. Butterworth", written over a horizontal line.

John B. Butterworth, Task Force Officer
Bureau of Alcohol, Tobacco, Firearms &
Explosives

This affidavit was sworn to by the affiant
by telephone after a PDF was transmitted
by email, per Crim R. 41(d)(3) on
this 15th day of February 2023.

A handwritten signature in blue ink, appearing to read "Chelsey M. Vascura", written over a horizontal line.

Honorable Chelsey M. Vascura
United States Magistrate Judge
Southern District of Ohio

ATTACHMENT A

PERSONS / PLACES TO BE SEARCHED

The person to be searched is Jonathan Lamont GUNTER, a Black Male, DOB: 06/30/1980, SSN: XXX-XX-4439. Jonathan Lamont GUNTER is currently incarcerated in the Franklin County Corrections Center II located at 2460 Jackson Pike, Columbus, Ohio 43223.

ATTACHMENT B
ITEMS TO BE SEIZED

DNA standard from the saliva of Jonathan Lamont GUNTER, a Black Male, DOB: 06/30/1980, SSN: XXX-XX-4439, taken on sterile swabs.